

Exhibit 2

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

ePLUS, INC.,
Plaintiff,
v.
LAWSON SOFTWARE, INC.,
Defendant.

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:
:
: Civil Action
: No. 3:09CV620
:
: March 25, 2011
:

DAILY COPY

COMPLETE TRANSCRIPT OF **EVIDENTIARY HEARING**
BEFORE THE HONORABLE ROBERT E. PAYNE
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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1 question.

2 THE COURT: Mr. McDonald made that decision.

3 Q You are aware that Lawson has proffered two declarations
4 in this case from workers that would be considered in the
5 health care industry and that manage licensed hospital systems;
6 correct?

7 A No --

8 THE COURT: Do you know about that or not?

9 THE WITNESS: No, I don't.

10 THE COURT: He doesn't know about it.

11 Q Well, are you aware that nobody indicated -- let me
12 rephrase it then.

13 THE COURT: Yes, because Mr. McDonald is about to
14 stand up, I'm sure, and say something, because if he doesn't
15 even know what you're taking about, it's hard for him to answer
16 a question.

17 Q Well, isn't it true that replacing Lawson RSS software
18 would essentially just cause an increase in the operational
19 expenses for these types of hospitals?

20 A It would cause at least an increase in operational
21 expenses in these types of hospitals, and more than likely
22 would also cause employee complications within the hospitals,
23 morale issues of potential loss of jobs, and I think a hospital
24 would say that it would interrupt their quality of care.

25 It wouldn't interrupt a surgery because they would

1 overstock on goods, but ultimately they buy these goods for a
2 reason, and they don't have unlimited storage. They have to
3 manage their systems well.

4 Q So if in these declarations these individuals didn't
5 identify those kinds of criteria as causing them harm --

6 A I don't know who you are talking about.

7 THE COURT: Look, that was a question better not
8 asked because you should have known that from his previous
9 answers you were not going to improve on what they said in that
10 affidavit anyway.

11 MR. ROBERTSON: Understood, sir.

12 THE COURT: Why don't we go on to something else.

13 Q Did I understand you to say that Lawson does not sell an
14 S3 procurement package or solution as an -- individually to
15 customers?

16 A We package separately, but we don't pursue those
17 opportunities.

18 Q Let me hand you what I think has previously been marked
19 Plaintiff's Exhibit 0500LL2.

20 THE CLERK: What number is this being used?

21 MR. ROBERTSON: PX-0500LL2. By the way, Your Honor,
22 before I forget, I would actually move the admission of
23 Plaintiff's Exhibit 690 that I identified.

24 THE COURT: Any objection?

25 MR. McDONALD: No, Your Honor.